



Ending Power-Based Violence • Empowering Survivors • Ensuring Safe Communities

Chairman Luke Clippinger
101 House Office Building
6 Bladen Street
Annapolis, MD 21401

January 12, 2021

Dear Chairman Clippinger and Members of the Judiciary Committee,

The Greater Washington Jewish Coalition Against Domestic Abuse (JCADA) **strongly supports House Bill 147 to repeal marriage as a defense to sexual assault.** At JCADA, our mission is to support victims of power-based violence to become empowered and live safely; educate the community about power-based violence and appropriate responses; and prevent future generations from suffering power-based violence. We provide these services without regard to race, national origin, ability, background, faith, gender, gender identity, gender expression, ethnicity, or sexual orientation, and the clients we serve are victims of domestic violence, sexual assault, stalking, harassment, elder abuse and dating violence. Last year, JCADA supported over 780 survivors of power-based violence and educated more than 4,500 youth, parents and educators about healthy relationships through our prevention, education and training programs.

At JCADA, we provide free legal, counseling, and victim advocacy services to victims and survivors. In our work with clients, we often see individuals who have been sexually assaulted by their spouses. Survivors of sexual assault already face so many barriers to reporting their victimization, including stigma, fear of retraumatization by the system, and fear of not being believed. Few survivors of intimate partners sexual assault report these offenses. These factors should not be exacerbated by antiquated laws that treat women as the property of their husbands.

Having a law on the books which allows for marriage to be a defense to sexual assault sends the untrue message that Maryland continues to view women as the property of their husbands. This notion undermines principles of equality and fairness that we know the Judiciary Committee seeks to uphold.

Additionally, a statutory scheme where sometimes marriage is a defense to sex crimes creates confusion for some survivors who may still be able to report other sexual assaults by their spouses, but do not because of confusion under the law. By making it clear that no partner, or any individual for that matter, is permitted to commit sex crimes based on any relationship sends a clear message to the residents of Maryland that consent and healthy relationships are values we share as Marylanders.



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JCADA has heard from prosecutors in our jurisdiction that the currently written law serves as a barrier to prosecuting some sexual assault crimes. JCADA knows that many abusers are repeat offenders, and that many times intimate partner violence, including intimate partner sexual assault, is a precursor to other violent crimes.¹ It is important to hold these individuals accountable and not allow marriage to be a defense.

We know that in previous sessions this proposal to repeal marriage as a defense to sex crimes has failed because some people fear false reports. However, we know that false reporting is a very infrequent occurrence in sexual assault cases and that most survivors of sexual assault do not come forward to report their victimization.²

Thank you for considering this testimony in support of HB 147. If you have any questions, please feel free to contact me at amanda@jcada.org.

Best,

A handwritten signature in blue ink that reads "Amanda Katz". The signature is cursive and fluid.

Amanda Katz
Executive Director

¹ See <https://www.businessinsider.com/deadliest-mass-shootings-almost-all-have-domestic-violence-connection-2017-11>.

² See the National Sexual Violence Resource Center report at https://www.nsvrc.org/sites/default/files/Publications_NSVRC_Overview_False-Reporting.pdf